



Office of Public Instruction Education Policy Clarification and Student Protection Legislative Concepts

Overview

The Office of Public Instruction (OPI) has identified several areas where targeted statutory updates could improve implementation of existing education laws, strengthen student protections, and provide greater clarity for schools, families, and community partners. These proposals are intended to build upon recent legislative actions while preserving legislative intent and reducing unnecessary administrative burdens.

Rather than creating new programs, these concepts focus on clarifying existing laws, improving consistency across Montana, and ensuring that schools can effectively serve students while maintaining strong accountability and safety standards.

1) Clarification of Student Protection Background Check Requirements

Purpose: The Legislature took an important step in 2025 with the passage of HB 745, requiring school districts to adopt student protection policies that include national fingerprint-based background checks for individuals who may have unsupervised contact with students. The intent of the law is clear and broadly supported: ensuring parents have confidence that appropriate safeguards are in place to protect students. As partners have identified areas where additional statutory clarification may be beneficial.

Implementation Challenges: Questions have arisen regarding how the law applies to:

- Work-based learning placements
- Student internships and apprenticeships
- Job shadowing opportunities
- Community-based learning experiences
- Volunteers and guest speakers
- Parent volunteers
- Community organizations partnering with schools

While student safety remains paramount, uncertainty regarding the scope of the law may create unintended barriers to educational opportunities and community partnerships that benefit students.

Legislative Concept: A change in law could provide additional clarity regarding when fingerprint-based background checks are required while preserving the Legislature's original intent.

Potential areas for clarification include:

- Defining circumstances that constitute "unsupervised contact with students."
- Clarifying expectations for volunteers and community partners operating under district supervision.
- Providing guidance for work-based learning and internship experiences occurring outside school facilities.
- Maintaining existing protections for individuals entrusted with direct responsibility for students.

Goal: The objective is to ensure strong student protections remain in place while providing clear, consistent expectations for schools, families, businesses, and community organizations. The proposal is intended as a clarification measure rather than a reduction in student safety standards.

2) Student Safety and Educator Misconduct Reporting Act

Purpose: Montana has established processes for educator licensure discipline and misconduct reporting; however, recent situations have demonstrated opportunities to strengthen communication between school districts, law enforcement agencies, the OPI, and the Board of Public Education. This proposal seeks to improve the timely sharing of information when licensed educators are arrested, charged with serious offenses, or involved in conduct that may affect student safety.

Areas for Review:

- **Law Enforcement Notification:** Review opportunities to establish notification procedures when licensed educators are arrested or charged with serious criminal offenses that may present risks to student safety.
- **School District Reporting Requirements:** Consider establishing clearer and more consistent timelines for school districts to notify OPI regarding serious misconduct investigations, administrative actions, resignations during investigations, or employment separations related to misconduct.
- **Clarification of Misconduct Reporting:** Review existing statutory definitions and reporting expectations related to immoral conduct, professional misconduct, and conduct unbecoming an educator to ensure statewide consistency.
- **Emergency Licensure Authority:** Evaluate whether existing statutes provide adequate authority to address situations where immediate action may be necessary to protect students while ensuring due process protections remain intact.

- **Information Sharing:** Review statutory barriers and opportunities to improve information sharing among districts, OPI, the Board of Public Education, the Department of Justice, and other agencies involved in protecting children.

Goal: The goal is to strengthen Montana's student protection framework by improving reporting consistency, enhancing communication among agencies, and ensuring state licensing authorities have timely access to information necessary to protect students while maintaining appropriate due process protections.

3) STARS Act Implementation and Clarification

Purpose: The STARS Act has provided significant support for educator recruitment, retention, and student success initiatives across Montana. As implementation has progressed, several areas have emerged where targeted statutory clarification could improve administration and reduce complexity for school districts. This proposal seeks technical amendments designed to strengthen implementation while preserving the core intent and goals of the STARS Act.

Areas for Clarification:

- **School Configuration Eligibility:** Review how eligibility requirements apply to districts operating separate elementary and middle school configurations to ensure schools are treated equitably regardless of grade structure.
- **Student Mobility and Attribution:** Clarify how student outcomes and associated funding calculations are attributed when students transfer between schools or districts.
- **Emergency Authorization Eligibility:** Provide additional clarity regarding how educators serving under emergency authorizations are treated within program calculations and eligibility requirements.
- **Shared Resource Reporting:** Establish clearer guidance for reporting and allocating shared personnel and services among participating districts.
- **Quality Educator Payment Calculations:** Review opportunities to simplify calculations and reporting requirements to reduce administrative burden and provide districts with funding information earlier in the budgeting process.

Goal: These technical amendments are intended to improve consistency, transparency, and administrative efficiency while ensuring the STARS Act continues to support its original purpose. The proposal focuses on implementation improvements rather than substantive policy changes and seeks to provide greater predictability for both schools and the state.